Special Appeal No. 12 of 2001

Hon. V.S. Sripurkar, C.J.
Hon. Irshad Hussain, J.

Mr. M.C. Pandey, learned counsel for the appellants and Mr. J.C. Joshi, Senior Advocate, learned counsel for the respondent appeared.

We do not think that we can entertain the appeal against the order dated 16.08.2001 passed by learned single Judge. Learned Single Judge allowed the writ petition, in which the petitioner has challenged the show cause notice for holding department inquiry. We have seen the said notice. The only charge appears to be that the petitioner remained absent form 10.04.2001 to 19.05.2001 so as to avoid working in the wheat procurement scheme.

It was pointed out by the learned Single Judge that the writ petitioner was on leave, which was sanctioned as a medical leave. If the department has actually sanctioned that leave on medical ground, there was no question of the petitioner to keep him away form duties. The learned Single Jude was perfectly right in allowing the writ petition. The appeal has no merits and is hereby dismissed.

(I. H, J.) **(V.S.S, C.J.)**
12.08.2004 **12.8.2004**

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